

RECEIVED
CENTRAL FAX CENTER

JUN 09 2006

Docket No.: 3782-0126P
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Petter ERICSON

Application No.: 09/812,906

Confirmation No.: 1151

Filed: March 21, 2001

Art Unit: 2176

For: DATA FORM HAVING A POSITION-
CODING PATTERN DETECTABLE BY AN
OPTICAL SENSOR

Examiner: M. Botts

SUPPLEMENT TO REQUEST FOR INTERVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

As requested by the Examiner in a telephone conversation on Thursday, June 8, 2006, Applicant supplements the summary of the issues to be discussed in the interview to be conducted at 10:00 AM on Tuesday, June 13, 2006 as requested in the Request for Interview dated March 22, 2006.

The present interview is believed to be beneficial to the prosecution of the present application in two respects. Firstly, the Examiner last acting on the present application did not appear to fully appreciate the difference between computer input devices sensing a position-coding pattern provided on a surface and detectable by an optical sensor which is a class of devices including the present application and certain

Birch, Stewart, Kolasch & Birch, LLP

MKM/slb

Application No.: 09/812,906

Docket No.: 3782-0126P

of the references of record in the present application, and diverse and non-analogous data entry devices of the type which sense the position of a pen or stylus through interaction with a sensing tablet, surface or screen where position is not determined from a position-coding pattern. The Flickinger et al. ("Flickinger") patent relied on by the Examiner is an example of this non-analogous art.

Secondly, apparently the Examiner that has been examining the present application has left the Patent Office and Examiner Michael Botts has been newly assigned to take over this application. The instant interview will allow the undersigned to explain Applicant's technology to Mr. Botts so that the relevant differences over the prior art may be more readily understood.

The Flickinger reference is non-analogous art. The system of the present application directly senses pen position obtained from a position-coding pattern located on the surface and detectable by an optical sensor. The Flickinger reference does not employ such a system. The entirety of the Flickinger reference is directed to improvements in a position sensing system in which a stylus or pen is sensed by a sensor positioned under the paper. The stylus or pen never determines position, the position instead being determined by circuitry and sensors in the underlying substrate which senses proximity of the pen to the board. This is contemplated in several ways. One way is that the board generates an electromagnetic field and senses disturbance in the field caused by the tip of the pen. This technique is explained at column 2, beginning at line 45. A second contemplated method is where the pen has an active electromagnetic field generator, and the sensors in the board detect this

Application No.: 09/812,906

Docket No.: 3782-0126P

electromagnetic field to determine the position of the pen. A third technique is to sense the pressure created by the pen on the board. However, each of these techniques employs sensors located under a sheet of paper.

In the prior Office Actions, the Examiner concludes:

"It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined Sekendur into Flickinger to have created the claimed invention. The teaching of a position coding pattern as taught by Sekendur would have enabled a modification to Flickinger to have replaced the position sensing grid. Flickinger would have operated in the same manner, only the difference being that the position sensing would have used the teaching of Sekendur."

To make such a modification of Flickinger would be to destroy or eliminate the entirety of the sensing system of Flickinger and replace it with the entirety of the system of Sekendur. The Examiner has pointed to no motivation to make this change which would eliminate the disclosed functionality of Flickinger and substitute the disclosed functionality of Sekendur. Absent motivation, this is nothing more than a hindsight reconstruction based on Applicant's disclosure.

Flickinger does teach the possibility of using the Flickinger device with forms. However, Flickinger is unrelated to a form which detects the information entered into the form from the form itself. Flickinger does no more than identify the form to be used and the input of the data occurs solely from the surface provided under the form.

In the system of the present application, as recited in claim 1, an identity pattern is provided on the surface of the form, which identity pattern may be marked to identify the form layout. Thus, since the form layout correlates to absolute position codes imprinted on the form, and since this form layout may vary with different forms, the input

Application No.: 09/812,906

Docket No.: 3782-0126P

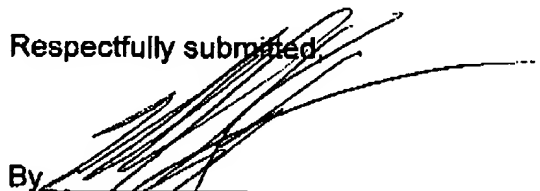
device will know the form identified and will then provide the computer, upon optical sensor download, information entered into the form thus utilized. One of ordinary skill would not be motivated to completely reconstruct the structure of Flickinger to include the sensing technique of Sekendur. There is no suggestion, absent Applicant's own specification, of how this could be accomplished.

New claims 35-39 submitted in the concurrently filed Supplemental Amendment even more clearly distinguish the encoding technique of the present application, as compared to Sekendur. These claims are clearly supported by the pattern 107 of Figure 1, which is described in further detail in paragraphs [023] and [024] of the present specification.

The attached comments are useful to show the deficiencies of the currently-applied rejection combination.

Dated: June 9, 2006

Respectfully submitted,



By _____
Michael K. Mutter
Registration No.: 29,680
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant

RECEIVED
CENTRAL FAX CENTER

JUN 09 2006

FAX TRANSMISSION

DATE: June 9, 2006

PTO IDENTIFIER: Application Number 09/812,906-Conf. #1151
Patent Number

Inventor: Petter ERICSON

MESSAGE TO: US Patent and Trademark Office

FAX NUMBER: (571) 273-8300

FROM: BIRCH, STEWART, KOLASCH & BIRCH, LLP

Michael K. Mutter

PHONE: (703) 205-8000

Attorney Dkt. #: 3782-0126P

PAGES (Including Cover Sheet): 19

CONTENTS: Fee Transmittal (1 page)
Amendment Transmittal (1 page)
Supplemental Amendment Under 37 C.F.R. 1.111 (11 pages)
Supplement to Request for Interview (4 pages)
Charge \$250.00 to deposit account 02-2448
Certificate of Transmission (1 page)

If your receipt of this transmission is in error, please notify this firm immediately by collect call to sender at (703) 205-8000 and send the original transmission to us by return mail at the address below.

This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution or duplication of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited.

BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road, Suite 100 East, P.O. Box 747, Falls Church, Virginia 22040-0747
Telephone: (703) 205-8000 Facsimile: (703) 205-8050

RECEIVED
CENTRAL FAX CENTER

JUN 09 2006

PTO/SB/97 (08-04)

Approved for use through 07/31/2006. OMB 0851-0031

U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

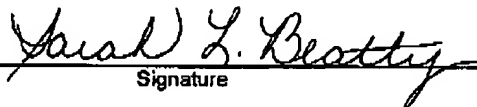
Application No. (if known): 09/812,906

Attorney Docket No.: 3782-0126P

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office.

on June 9, 2006
Date


Signature

Sarah L. Beatty

Typed or printed name of person signing Certificate

Registration Number, if applicable

(703) 205-8000
Telephone Number

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Fee Transmittal (1 page)
Amendment Transmittal (1 page)
Supplemental Amendment Under 37 C.F.R. 1.111 (11 pages)
Supplement to Request for Interview (4 pages)
Charge \$250.00 to deposit account 02-2448

RECEIVED
CENTRAL FAX CENTER

JUN 09 2006

PTO/SB/17 (12-04v2)

Approved for use through 7/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

<p>Effective on 12/09/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).</p> <p>FEE TRANSMITTAL For FY 2005</p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p>		<p>Complete if Known</p> <p>Application Number 09/812,906-Conf. #1151</p> <p>Filing Date March 21, 2001</p> <p>First Named Inventor Petter ERICSON</p> <p>Examiner Name M. K. Botts</p> <p>Art Unit 2176</p> <p>Attorney Docket No. 3782-0126P</p>	
<p>TOTAL AMOUNT OF PAYMENT (\$) 250.00</p>			

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):

☒ Deposit Account Deposit Account Number: 02-2448 Deposit Account Name: Birch, Stewart, Kolasch & Birch, LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims 39 - 34 = **Extra Claims** 5 x **Fee (\$)** 50.00 = **Fee Paid (\$)** 250.00

Indep. Claims 5 - 5 = **Extra Claims** 0 x **Fee (\$)** 0 = **Fee Paid (\$)** 0

3. APPLICATION SIZE FEE

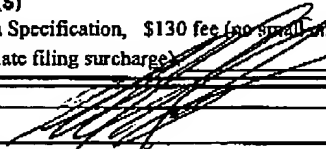
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
100	0	0	0	0

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge):

SUBMITTED BY		Registration No.	29,680	Telephone	(703) 205-8000
Signature		(Attorney/Agent)		Date	June 9, 2006
Name (Print/Type)	Michael K. Mutter				

Birch, Stewart, Kolasch & Birch, LLP

MKM/sib

AMENDMENT TRANSMITTAL LETTER				Docket No. 3782-0126P	
Application No. 09/812,906-Conf. #1151		Filing Date March 21, 2001		Examiner M. K. Botts	
Art Unit 2176					
Applicant(s): Pette ERICSON					
Invention: DATA FORM HAVING A POSITION-CODING PATTERN DETECTABLE BY AN OPTICAL SENSOR					
MS Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450					
Transmitted herewith is an amendment in the above-identified application.					
The fee has been calculated and is transmitted as shown below.					
CLAIMS AS AMENDED					
	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
Total Claims	39	- 34 =	5	x 50.00	250.00
Independent Claims	5	- 5 =		x	
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					
Other fee (please specify):					
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:					250.00
<input checked="" type="checkbox"/> Large Entity <input type="checkbox"/> Small Entity					
<input type="checkbox"/> No additional fee is required for this amendment.					
<input checked="" type="checkbox"/> Please charge Deposit Account No. <u>02-2448</u> in the amount of \$ <u>250.00</u> A duplicate copy of this sheet is enclosed.					
<input type="checkbox"/> A check in the amount of \$ _____ is enclosed.					
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.					
<input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. <u>02-2448</u> as described below. A duplicate copy of this sheet is enclosed.					
<input checked="" type="checkbox"/> Credit any overpayment.					
<input checked="" type="checkbox"/> Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.					
Michael K. Mutter Attorney Reg. No.: 29,680 BIRCH, STEWART, KOLASCH & BIRCH, LLP 8110 Gatehouse Road Suite 100 East P.O. Box 747 Falls Church, Virginia 22040-0747 (703) 205-8000				Dated: <u>June 9, 2006</u>	